

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            ) Criminal Action No.  
                                ) 11-00118-01-CR-W-DGK  
GEORGE HARRIS,            )  
                                )  
Defendant.                )

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on August 1, 2011. Defendant George Harris appeared in person and with Assistant Federal Public Defender William Raymond. The United States of America appeared by Assistant United States Attorney Christina Tabor.

***I. BACKGROUND***

On May 23, 2011, an indictment was returned charging defendant with one count of possessing a firearm after having been convicted of a felony, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

The following matters were discussed and action taken during the pretrial conference:

***II. TRIAL COUNSEL***

Ms. Tabor announced that she will be the trial counsel for the government. The case agent to be seated at counsel table is Detective Darrell Reach, ATF.

Mr. Raymond announced that he will be the trial counsel for defendant George Harris. Julie Eilers, paralegal, will be at counsel table.

**III. OUTSTANDING MOTIONS**

There is currently pending for ruling by the District Judge a motion in limine filed by defendant on August 1, 2012 (document number 98).

**IV. TRIAL WITNESSES**

Ms. Tabor announced that the government intends to call 4 to 5 witnesses without stipulations or 3 witnesses with stipulations during the trial.

Mr. Raymond announced that defendant George Harris intends to call 3 to 5 witnesses during the trial. The defendant may testify.

**V. TRIAL EXHIBITS**

Ms. Tabor announced that the government will offer approximately 26 exhibits in evidence during the trial.

Mr. Raymond announced that defendant George Harris will offer no exhibits in evidence during the trial.

**VI. DEFENSES**

Mr. Raymond announced that defendant George Harris will rely on the defense of general denial.

**VII. POSSIBLE DISPOSITION**

Mr. Raymond stated this case is definitely for trial.

**VIII. STIPULATIONS**

Stipulations are not likely.

## **IX. TRIAL TIME**

Counsel were in agreement that this case will take 2 days to try.

## **X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS**

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed December 2, 2011, counsel for each party file and serve a list of exhibits he or she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by August 1, 2012;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, August 8, 2012;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions<sup>1</sup> by or before noon, Wednesday, August 8, 2012. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

## **XI. UNUSUAL QUESTIONS OF LAW**

No additional motions in limine are anticipated. There are no unusual questions of law.

## **XII. TRIAL SETTING**

All counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on August 13, 2012.

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<sup>1</sup>Counsel in all cases assigned to be tried before Chief Judge Fernando Gaitan, Jr., as reflected in the forthcoming trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn\_shawver@mow.uscourts.gov and rhonda\_enss@mow.uscourts.gov by Friday, August 10, 2012. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

My Raymond requests the second week of the docket (August 20) because he will be out of town until August 12. The government's witness must be out of the office from August 16 through August 21. I spoke with counsel about the possibility of picking a jury on August 21 so the witness who will be back on August 22 would be available that day to testify.

Defendant announced that he will want to represent himself. If this occurs, a continuance will be requested. A hearing is set for August 2, 2012, on the oral motion for self representation.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
U. S. Magistrate Judge

Kansas City, Missouri  
August 1, 2012